

SIPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 16, 2020

SUBJECT: Supplemental Report – BZA Case 20209 (7521 9th Street, NW) to permit the construction of a third-floor addition and three-story rear enlargement to an existing two-story semi-detached house.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Lot Occupancy, Subtitle D § 304.1, pursuant to Subtitle D § 5201.1 (40 percent maximum permitted; 34 percent existing; 48 percent proposed); and
- Non-conforming Side Yards, Subtitle D § 206.7, pursuant to Subtitle D § 5201.1 (One 5-foot minimum southern side yard required; no southern side yard existing or proposed).

The Office of Planning (OP) recommends **approval** of the following waiver relief:

- Accessory Apartment Exterior Entrance, Subtitle U § 253.7(c), pursuant to Subtitle U § 253.10 (an exterior entrance created to access an accessory apartment shall not be located on a wall that faces a street; an accessory apartment does not exist at the premises; an exterior entrance providing access to an accessory apartment located on a wall facing a street proposed).

II. LOCATION AND SITE DESCRIPTION

Address	7521 9 th Street, NW
Applicant	Uzoma Ogboukiri
Legal Description	Square 2961, Lot 0018
Ward, ANC	4/4B
Zone	R-2 – Detached and semi-detached single household zone.
Lot Characteristics	Regularly shaped corner lot measuring 16.33 feet in width and 97.25 feet in depth. The lot is bounded by Hemlock Street, NW to the south, 9 th Street, NW to the west, a semi-detached house to the north, and a 16-foot public alley to the east.
Existing Development	The property is improved with a two-story semi-detached single household dwelling because it is only attached on one side and is located on a corner lot. However, it is considered a row building pursuant to zoning because it spans the entire width of the lot and does not provide side yards.

Adjacent Properties	Semi-detached single household dwellings.
Surrounding Neighborhood Character	Semi-detached single household dwellings.
Proposed Development	<p>The applicant proposes to renovate and enlarge an existing house. The proposal would add a new third story addition and three-story rear enlargement to an existing two-story semi-detached house.</p> <p>The 10-foot rear addition would increase the existing percentage of lot occupancy by 14 percent and would extend an existing non-conforming side without providing the required setback. The R-2 zone does not permit row buildings and requires buildings to have at least one side yard.</p> <p>There would also be a new accessory apartment located on the cellar level. Relief would be required for the proposal to create a new exterior entrance to the accessory apartment that is located on a wall facing a street.</p>

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-2	Regulation	Existing	Proposed	Relief
Height D § 303.1	40 ft. max./ 3 stories	20 ft./ 2 stories	35 ft./ 3 stories	None Required
Lot Width D § 302.1	30 ft. min.	16.33 ft.	No change	None Required
Lot Area D § 302.1	3,000 sq. ft. min.	1,588 sq. ft.	No change	None Required
Lot Occupancy D § 304.1	40% max.	34%	48%	Special Exception Relief: 8%
Rear Yard D § 306.1	20 ft. min.	39 ft.	29.3 ft.	None Required
Front Setback D § 305.1	Front setback must in range of existing front setbacks on block	Within range	No change	None Required
Side Yard D § 206.7	At least one side yard required; a non-conforming side that is extended shall be a minimum of 5 ft.	Southern Side Yard: 0 ft.	Southern Side Yard: 0 ft.	Special Exception Relief: 5 ft.
Parking C C § 701.5	1 parking space per dwelling unit	0 parking space	No change	None Required

IV. OFFICE OF PLANNING ANALYSIS

Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 *The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) ***Lot occupancy;***
- (b) ***Yards;***
- (c) ***Courts;***
- (d) ***Minimum lot dimensions;***
- (e) ***Pervious surface; and***
- (f) ***The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.***

5201.2 *Special exception relief under this section is applicable only to the following:*

- (a) ***An addition to a building with only one (1) principal dwelling unit; or***
- (b) ***A new or enlarged accessory structure that is accessory to such a building.***

The applicant proposes to construct an addition to a semi-detached single household dwelling.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) ***The light and air available to neighboring properties shall not be unduly affected;***

The proposed three-story rear addition should not unduly block light and air available to the property to the north. Any shadows the proposed addition would cast on the adjoining property to the north would likely be modest as the addition would only extend 10 additional feet beyond the northern property's rear wall. The third-floor addition would be set back eight feet from the front wall, which would help reduce the overall impact of light and air available to the property to the north. The proposal would comply with both the height and rear yard requirements of the R-2 zone.

- (b) ***The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;***

Privacy and enjoyment of neighboring properties should not be unduly compromised as the rear addition would not have any windows facing the northern property line. Further, the proposed third-floor terrace would overlook the roof of the neighboring property to the north.

- (c) ***The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;***

The third-floor addition would be set back eight feet from the front wall of the existing house, which the applicants states would reduce the visual impact of the proposed floor. In the rear, the property is separated by other properties to the east by a 16-foot public alley and a 29-foot rear yard. While the property would not be set back from its side property line along Hemlock Street, NW, it would be set back from the sidewalk and street by open public space.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

The applicant submitted a survey, architectural plans, and photographs to illustrate the proposed addition and surroundings.

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

No special treatment of the proposed addition is recommended.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The proposed addition would not introduce or expand a use not permitted in the R-2 zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The number of stories and total height created by the addition would be conforming.

Subtitle U Chapter 253 ACCESSORY APARTMENT (R)

253.7 (c) ...if an additional entrance is created to a house it shall not be located on a wall of the house that faces a street;

253.10 Not more than two (2) of the requirements specified in this section may be modified or waived by the Board of Zoning Adjustment subject to the following limitations:

(a) The owner-occupancy requirement of Subtitle U § 253.5 shall not be waived in any R zones;

The applicant has not requested a waiver of the owner-occupancy requirement.

(b) Subtitle U § 253.6 shall not be modified or waived in the R-19 or R-20 zone; and

Not applicable, the subject property is zoned R-2.

(c) Any modification(s) approved shall not conflict with the intent of this section to maintain a single household residential appearance and character in the R zones.

The request to modify U § 253.7(c) to permit the inclusion of an entrance to an accessory apartment on a street facing façade should not negatively impact the single household residential appearance and character of the surrounding neighborhood in the R-2 zone. The proposed entrance would be located almost entirely below grade via an areaway and would not be viewable from the street. Further, the accessory apartment entrance would be located on a separate street facing wall from the main entrance to the house.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT submitted a memo to the record noting no objection to the development proposal (Exhibit 29).

VI. ADVISORY NEIGHBORHOOD COMMISSION

At its regularly scheduled meeting on April 27, 2020, ANC 4B voted to recommend approval of the lot occupancy relief (Exhibit 38). However, the applicant subsequently amended the application to include relief for side yards and the accessory apartment entrance.

VII. COMMUNITY COMMENTS TO DATE

One letter in opposition had been filed (Exhibit 33) at the time this report was filed to the record.

One letter in support from Commissioner Yeats of Single Member District 4B01 had been filed (Exhibit 34) at the time this report was filed to the record.

Attachment: Location Map

